06/12/07

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7176 of 2007

PETITIONER : Smt. Sita Jaiswal, W/o Shri Naresh Kumar Jaiswal, Aged about 48 years, Upper Division Teacher, T.W.D. Govt. Higher Secondary School Pali, Block Pali, Distt. Korba (CG).

VERSUS

RESPONDENTS :
1. State of Chhattisgarh through the Secretary Department of Tribal Welfare DKS Bhawan, Raipur (CG).
2. Commissioner, Tribal Welfare Department Chhattisgarh Govt. Raipur.
3. Assistant Commissioner, Tribal Welfare Department Distt. Korba (CG).

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Shri Anil Singh Rajput, Advocate for the petitioner.
Shri A.S. Kachhwaha, Government Advocate for the State.

ORAL ORDER
(Passed on this 04th of December, 2007)

1. The petitioner was appointed in the year 1980 as Assistant Teacher on fixed pay scale of Rs. 150/-. After completion of two years probation, she was granted regular pay scale of Rs. 169-300/-.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this court, while considering the same issue in Amar Sai Ram & others Vs. State of Chhattisgarh & others (W.P. (S) No. 4725/2006) by order dated 01.09.2006, has granted regular pay scale w.e.f. the date of initial appointment.
5. Learned counsel appearing for the parties jointly submits that this case is squarely covered by the decision of this court in the case of Amar Sai Ram & Others Vs. State of Chhattisgarh & Others (Supra).
6. In view of that this petition is disposed of in the same terms. No order asto costs.

Sahu

Sd/-
Satish K. Agnihotri
Judge